

It is noted that the examiner, with the approval of her Primary Examiner and Supervisory Patent Examiner, withdrew the final office action issued on May 21, 2002 and issued the above referenced office action.

The current office action failed to provide the applicant the option of requesting reinstatement of the appeal brief filed on September 10, 2002, as required by MPEP Section 1208.02. Notwithstanding that omission, applicant has elected to respond to the office action. However, pending the outcome of the prosecution of this application, applicant reserves his right to file another appeal, the prior payments (total of \$300) to be credited towards any further appeal as set forth in the aforementioned MPEP section.

The rejection of claims 8-10 under 35U.S.C.103(a) as being unpatentable over Hairston in view of Ehrlich and Hartwell is traversed for the reasons to follow.

Hairston discloses a non-gaming table cover system wherein a separate, elongated panel 12 is secured to the side of the table cover using a loop and hook fastener arrangement 16 applied to the side of table cover 10 and panel 12. In contradistinction thereto, independent claim 8 sets forth that the border portion on the table cover itself incorporates one part of the hook and loop fastener system, the border portion in turn being secured to the other part of the hook and loop fastener system formed on the table edge. Claim 8, as amended, also sets forth physical characteristics of the table cloth; in addition, the surface of the table cloth has gaming symbols formed thereon, both features not being shown in Hairston.

Ehrlich discloses a technique for attaching a skirt to the edge of a table but fails to teach that the table cloth border portion itself has a fastener component secured

thereto. In addition, Ehrlich does not disclose that the table cover has the physical characteristics noted in claim 8.

Hartwell discloses a food rack cover; notwithstanding the comment of examiner, Hartwell does not clearly teach that that one of the fastener members is attached to the cover itself, the other fastener member being coupled to a separate, underlying structure. Finally, Hartwell does not disclose that the rack cover has the physical characteristics set forth in claim 8.

Dependent claims 9 and 10 have been amended to redefine the hoop and hook fastener system portion of the gaming table system.

Dependent claim 14 has been added to set forth that the border portions comprise a plurality of flap portions and that a corresponding number of fastener members are secured to the flap border portions, features not shown in the cited prior art references.

In Robotic Vision Systems Inc. v. View Engineering, Inc., 51USPQ2d 1948, 1954 (Fed. Cir. 1999), the Court reiterated the standard regarding obviousness rejections under 35 U.S.C. § 103. In particular, the Court noted that the combination of two or more references “must show some motivation or suggestion to combine the teachings”, also citing In re Rouffet, 47USPQ2d 1453 (Fed. Cir. 1998). It is clear that the Hairston, Ehrlich and Hartwell references cited by the examiner do not motivate or suggest to someone skilled in the art that they can be combined to make applicant’s claimed invention obvious without the use of hindsight. In addition, it should be noted that the Hartwell reference (and likely the Hairston and Ehrlich references also) is non analogous prior art since the reference does not teach a gaming table system and thus can not be cited against the claims 8-10 and newly added claim 14 (See Ex parte Dussaud, 7 USPQ

2d 1818 (BdPatApp&Int, 1988); Ex parte Haymond, 41 USPQ 2d 1217 (BdPatApp&Int, 1996).

The numerous references made of record have been considered but it is believed that remaining claims 8-10 and newly added claim 14 patentably distinguish thereover, either singly or in combination.

Attached hereto is a marked-up version of the change made to the claims by the current amendment. The attached page is captioned VERSION WITH MARKINGS TO SHOW CHANGES MADE.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Irving Keschner', with a long horizontal flourish extending to the right.

Irving Keschner
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February 10, 2003

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

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IN THE CLAIMS

Claims 8-10 have been amended as follows:

8. (amended) A gaming table system comprising:

a gaming table cloth having gaming symbols formed on the surface thereof and comprising a tight, woven fabric of a predetermined , denier, size and shape, the fabric having a border portion and a first fastening member secured to one surface of said cloth border portion; and

a gaming table comprising a surface portion, a portion extending substantially perpendicular from said table surface and around the circumference thereof, and a second fastening member secured around the circumference of said perpendicularly extending table portion, said gaming table cloth being positioned on the surface of said table whereby said first fastening member is releasably secured to said second fastening member.

9. (amended) The system of claim 8 wherein said first fastening member comprises ~~a first component of a Velcro hook~~ ^{Strip} ~~fastening strip and loop fastener system.~~

10. (amended) The system of claim 9 wherein said second fastening member comprises a complimentary ~~the second component of said Velcro hook and loop fastening strip fastener system.~~

Dependent claim 14 has been added as follows:

14. The gaming table system of claim 8 wherein said border portion comprises a plurality of flap portions extending around the circumference of said cloth, said first

fastening member comprising a plurality of fasteners secured to the bottom surface of corresponding flap portions.